



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Ronald W. Kazmierczak, Regional Director

7/16
Northeast Region Headquarters
1125 N. Military Ave., P.O. Box 10448
Green Bay, Wisconsin 54307-0448
Telephone 920 492 5800
FAX 920 492 5813
TDD 920 492 5912

September 28, 2000

Mr. Jerry Muenster
1146 West Mason Street
Green Bay, WI 54303

SUBJECT: Case Closure of the Muenster Shell site,
1146 West Mason Street, Green Bay, WI
BRRIS # 03-05-000149

Dear Mr. Muenster:

On March 9, 1999, the above-named site was reviewed by the Bureau for Remediation and Redevelopment's Northeast Region Closeout Committee to determine whether the case qualified for closeout under ch. NR 726, Wis. Adm. Code. This panel reviews environmental remediation cases for compliance with state laws, standards, and guidelines to maintain consistency in the closeout of cases. The committee has approved the closure of this case.

Upon receiving the monitoring well abandonment forms and the signed restriction, the Department considers the above referenced case "closed", having determined that no further action is necessary at the site at this time. The site will now be listed as closed in the WDNR tracking system as of September 28, 2000.

Based on the investigative documentation provided to the Department, it appears that the petroleum contamination at the above-named site is in compliance with the requirements of chs. NR 700 to NR 726, Wis. Adm. Code. However, this case may be reopened pursuant to s. NR 726.09, Wis. Adm. Code, if additional information regarding site conditions indicate that contamination on or from the site poses a threat to public health, safety or welfare to the environment.

Thank you for your and your consultant's cooperation and cleanup efforts during this process. If you have any questions regarding the content of this letter, please contact Keld Lauridsen at (920) 492-5921.

Sincerely,

Scott C. Miller
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Robert C. Herubin, NRP Environmental Consultants, Inc., 1140 Ashwaubenon Street,
Green Bay, WI 54304

Limited Warranty Deed

THIS IS A DEED dated March 11, 1982 by SHELL OIL COMPANY, a Delaware corporation with offices at 2435 Kimberly Road in Battendorf, Iowa (herein called "Grantor") to Gerome R. Muenster and Donna K. Muenster, his wife, of 1146 West Mason Street, in Green Bay, Wisconsin (herein called "Grantee", whether one or more):

GRANTOR, for good and valuable consideration received, hereby grants and conveys to Grantee the following described Premises situated in Green Bay, County of Brown, State of Wisconsin;

TRANSFER

\$ 282.00

FEE

Lots One (1) and Two (2), Oliver Roy Plat, City of Green Bay, Brown County, Wisconsin, excepting the Southerly 11.50 feet thereof and also the following described lands:

Beginning at the intersection of the north line of West Mason Street and the east line of Oneida Street and running thence easterly along said north line 21.06 feet; thence along the arc of a 21.0 foot radius curve to the right 33.05 feet, said curve having a chord which bears North 18 degrees 32'-00" West 29.74 feet to said east line; thence southerly along said east line 21.06 feet to the point of beginning.

together with all rights, privileges and appurtenances thereto and all buildings and land improvements thereon; but subject to all easements, rights-of-way, reservations, restrictions and encumbrances of record, to any existing tenancies, to all zoning laws and ordinances, and to any state of facts an accurate survey or inspection of the premises would show;

TO HAVE AND TO HOLD the same unto Grantee and Grantee's heirs, successors and assigns forever.

Subject to the forgoing and to the liens of all taxes and assessments for the year 1982 and subsequent years, Grantor covenants with Grantee that Grantor will warrant and defend the title to the premises against the lawful claims of all persons claiming by, through or under Grantor.

EXECUTED by Grantor as of the date first herein specified.

WITNESSES

J. F. Harvey
H. L. Brady

SHELL OIL COMPANY

J. L. Clements
J. L. CLEMENTS
MANAGER REAL ESTATE SERVICES
ATTEST: CORPORATE REAL ESTATE

E. P. Spitzberger
E. P. SPITZENBERGER, ASSISTANT SECRETARY

THE STATE OF TEXAS

The foregoing instrument was acknowledged before me this 11th day of March, 1982, by J. L. Clements of Shell Oil Company, a Delaware corporation, on behalf of the corporation.

My commission expires: _____

P. A. Harris
Notary Public

P. A. HARRIS
Notary Public in and for the State of Texas
My Commission Expires August 11, 1984

ADMINISTRATIONPRINCIPAL MANAGERS - CORPORATE REAL ESTATE
PURCHASING AND GENERAL SERVICESCertificate of Authority

L. R. Spitzemberger certifies that he is an Assistant Secretary of Shell Oil Company, a Delaware corporation; and that the following completely and correctly sets forth the authority of each of the following, now or hereafter appointed:

Manager Real Estate Services
Manager Land Investments

in the Company's name and on its behalf, to execute, deliver, accept, assign, amend, extend, terminate or release any instruments or documents, including (without limitation) conveyances of properties (real or personal); agreements of any nature including non-recourse promissory notes and deeds of trust and mortgages related to such non-recourse notes, but excluding grants of security interests other than releases and quitclaim deeds for the purpose of clearing public records of satisfied security interests; and to execute and deliver certificates, returns and reports of any nature, which he may deem advisable or appropriate in the normal course of the Corporate Real Estate business of the Purchasing and General Services Organization of the Company.

It is further certified that T. L. Clements is Manager Real Estate Services in the Corporate Real Estate Department of Purchasing and General Services Organization of the Company.

IN WITNESS WHEREOF, this certificate is signed and sealed with the Company's corporate seal on March 11, 1982.

REGISTER OF DEEDS
BROWN COUNTY

AUG 17 1982

AT 8:01 O'CLOCK A.M.

Hayes REGISTER OF DEEDS

L. R. Spitzemberger

1740074

Document Number

GROUNDWATER USE RESTRICTION

BROWN COUNTY
REGISTER OF DEEDS
CATHY WILLIQUETTE

2000 FEB 15 A 9:23

Declaration of Restrictions

In Re:

Lots One (1) and Two (2), Oliver Roy Plat, City of Green Bay, Brown County, Wisconsin, excepting the Southerly 11.50 feet thereof and also the following described lands:

Beginning at the intersection of the north line of west Mason Street and the east line of Oneida Street and running thence easterly along said north line 21.06 feet; thence along the arc of a 21.0 foot radius curve to the right 33.05 feet, said curve having a chord which bears Norths 18 degrees 32'-00" West 29.74 feet to said east line; thence southerly along said east line 21.06 feet to the point of beginning.

STATE OF WISCONSIN)

) ss

COUNTY OF BROWN)

WHEREAS, Gerome R. Muenster and Donna K. Muenster, his wife, of 1146 West Mason Street, in Green Bay, Wisconsin, are the owners of the above-described property.

Recording Area

Name and Return Address
Mr. Jerry Muenster
1146 West Mason Street
Green Bay, WI 54303

Parcel Identification Number (PIN)

WHEREAS, one or more petroleum discharges have occurred on this property. On October 14, 1998, Benzene contaminated groundwater above NR 140 enforcement standard existed on this property in groundwater monitoring well MW-2 at a concentration of 310 parts per billion (ppb) which is above the NR 140 enforcement standard of 5 ppb for Benzene. The location of monitoring well MW-2 is provided on Figure 1, attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding NR 140 groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in NR 809 is restricted by NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:


Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this
19 day of OCT, 1999.

Signature: 

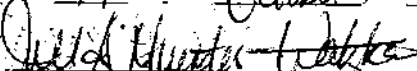
Printed Name: Jerry Munster

Signature: _____

Printed Name: _____

Subscribed and sworn to before me

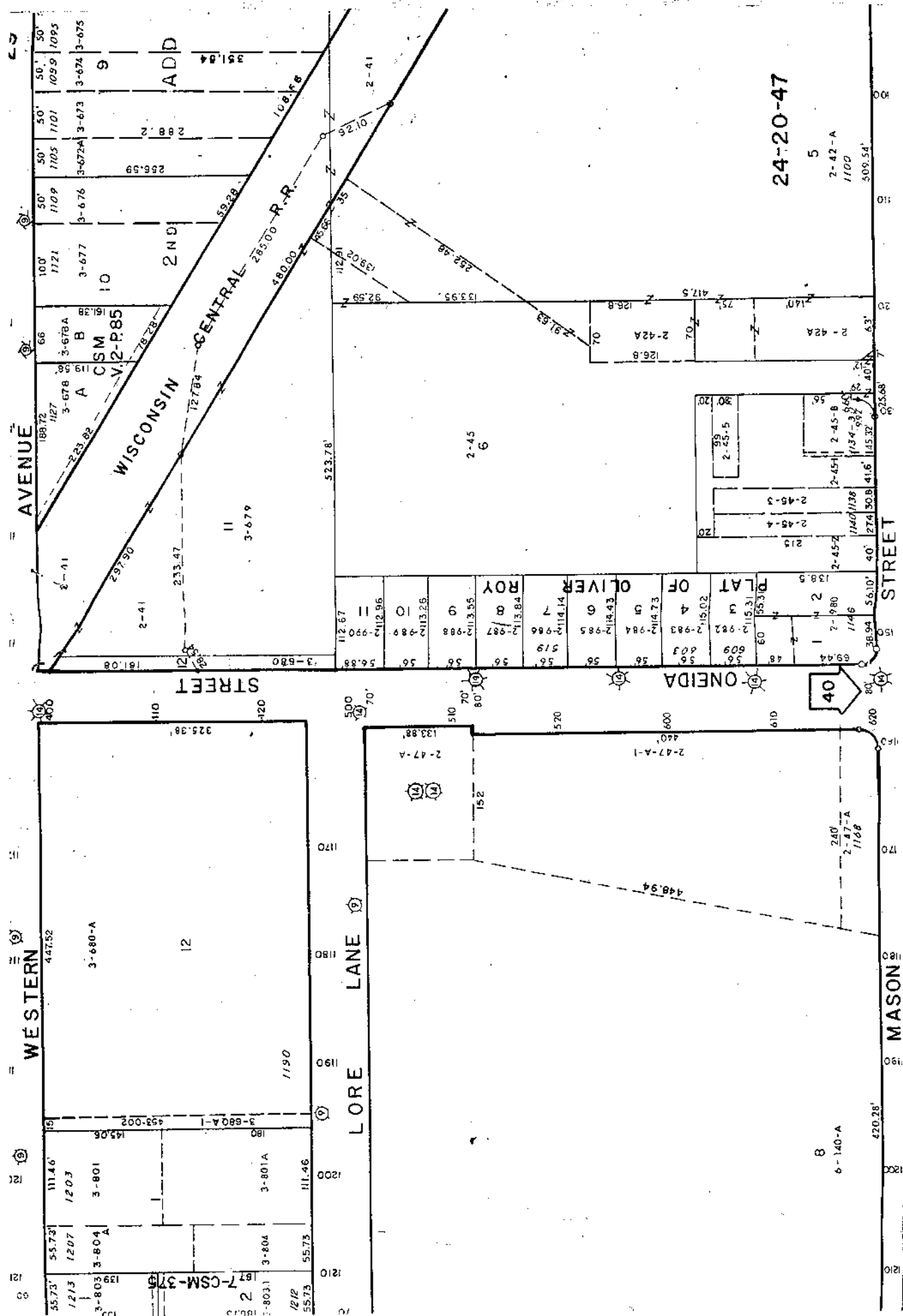
this 19th day of October, 1999



Notary Public, State of Wisconsin

My commission expires 11/24/02

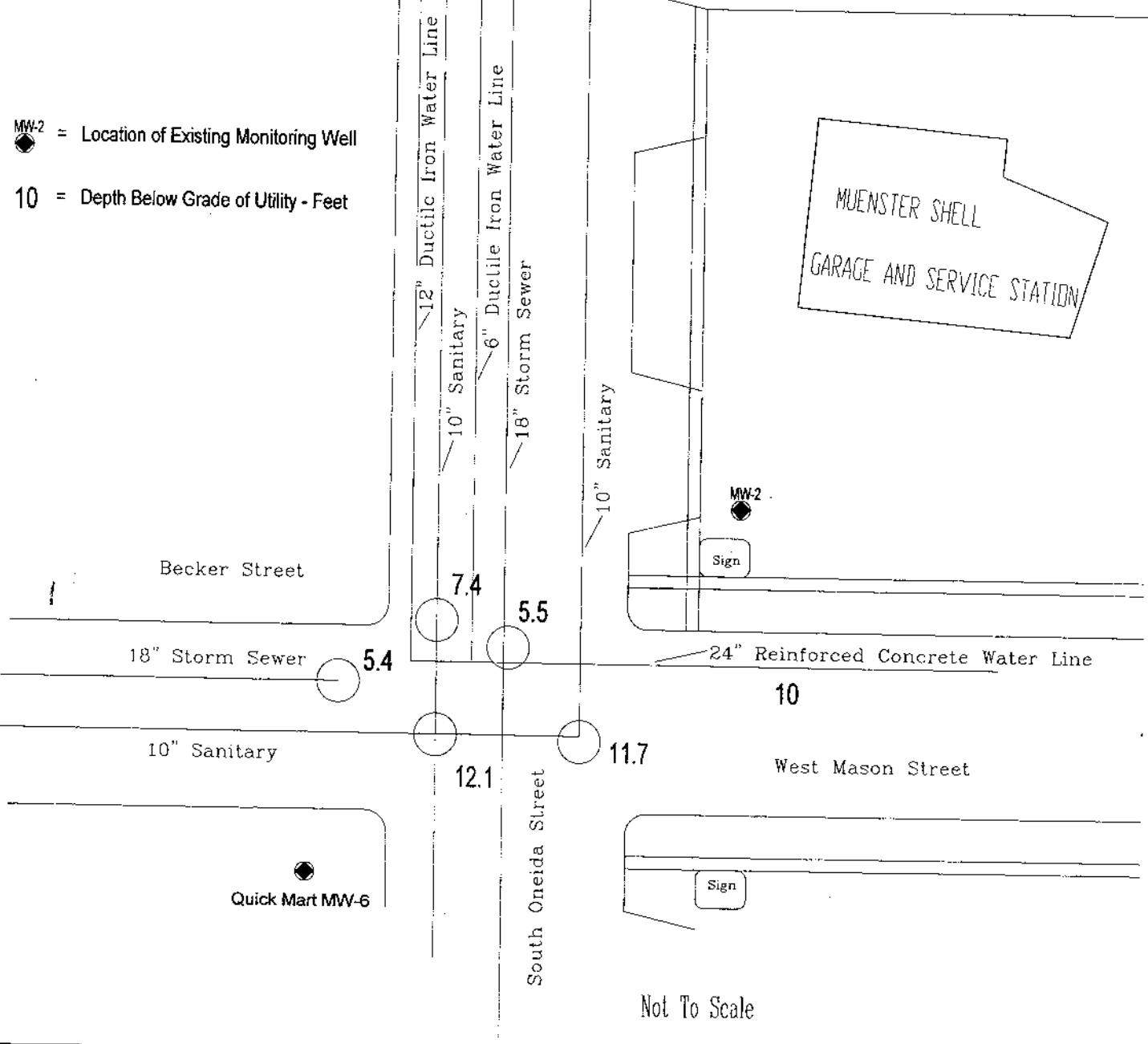
This document was drafted by the Wisconsin Department of Natural Resources.





MW-2 = Location of Existing Monitoring Well

10 = Depth Below Grade of Utility - Feet



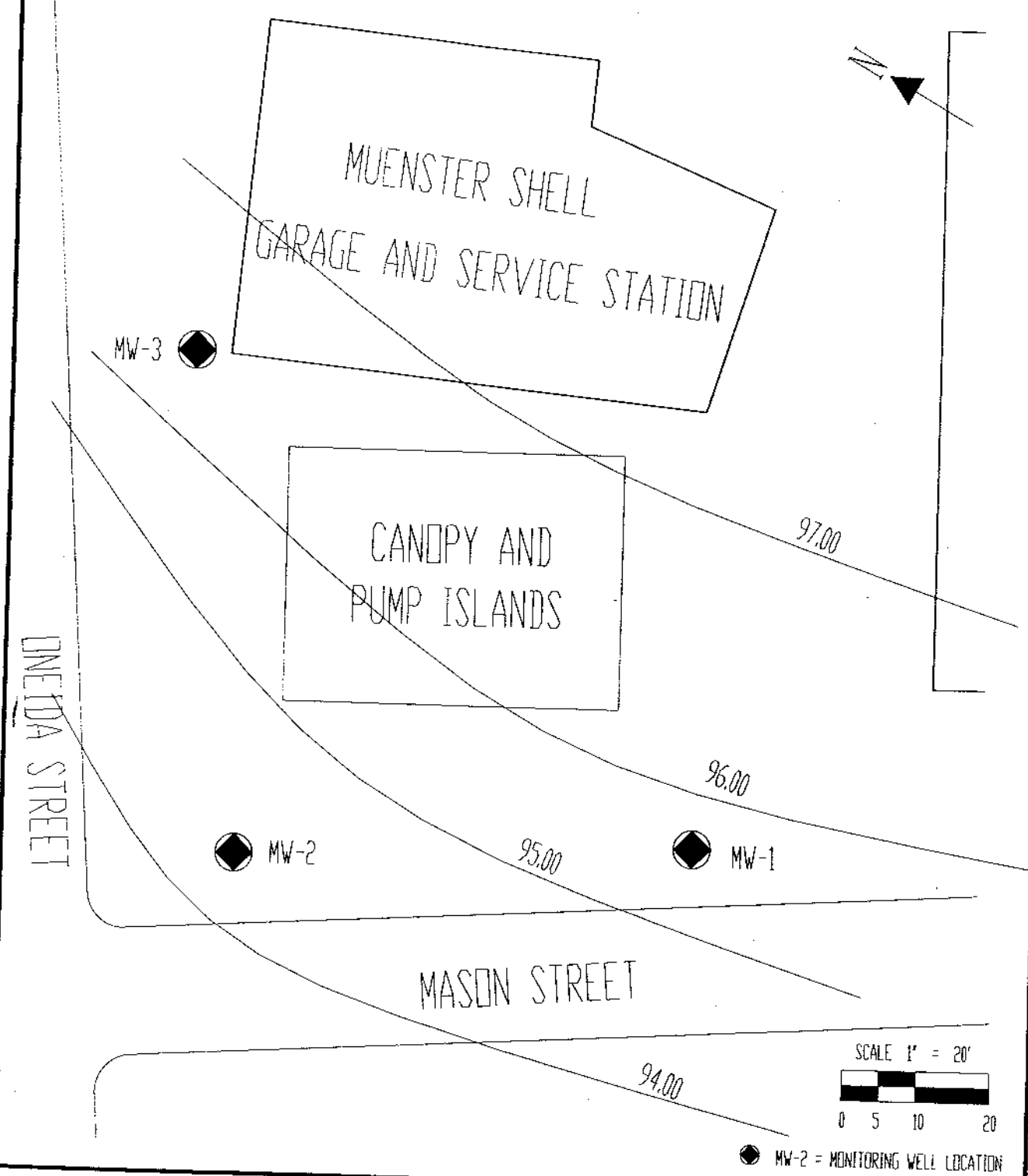
NRP ENVIRONMENTAL CONSULTANTS

PROJECT/CLIENT

MUNSTER SHELL

TITLE

Figure 3 - Underground Utility Map



NRP ENVIRONMENTAL CONSULTANTS

PROJECT/CLIENT
MUENSTER SHELL

TITLE
Figure 1 - Site Map

TABLE I (continued)

SUMMARY OF DETECTED GROUNDWATER PARAMETERS

Parameter (ppb)	APRIL 23, 1997			JULY 23, 1997			FEBRUARY 12, 1998			8/4/98	OCTOBER 14, 1998			WDNR PAL	WDNR ES
	MW-1	MW-2	MW-3	MW-1	MW-2	MW-3	MW-1	MW-2	MW-3	SUMP	MW-1	MW-2	MW-3		
BENZENE	ND	1,200	ND	ND	1,200	ND	ND	ND	ND	ND	ND	310	ND	0.5	5
TOLUENE	ND	28	ND	ND	31	ND	ND	8.5	ND	ND	ND	14	ND	68.6	343
ETHYLBENZENE	ND	280	ND	ND	340	ND	ND	88	ND	ND	ND	66	ND	140	700
XYLENES (Total)	ND	76	ND	ND	98	ND	ND	13.6	ND	ND	ND	23	ND	124	620
METHYL-TERT- BUTYL-ETHER	25	ND	ND	28	ND	ND	24	15	0.72	12	24	18	0.85	12	60
NAPHTHALENE	ND	ND	ND	ND	21	ND	NA	NA	NA	NA	NA	NA	NA	8	40
1,2,4 TRIMETHYLBENZENE	ND	59	ND	ND	62	ND	ND	11	ND	ND	ND	33	ND	NE	NE
1,3,5 TRIMETHYLBENZENE	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	NE	NE
ISOPROPYLBENZENE	ND	41	ND	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NE	NE
n-PROPYLBENZENE	ND	81	ND	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NE	NE

NOTES:

ppb = parts per billion

WDNR PAL = WDNR NR 140 Preventive Action Limit

WDNR ES = WDNR NR 140 Enforcement Standard

ND = Not detected above the method detection limit

NE = Not established

NA = Not analyzed for the parameter

Trichloroethylene ND ND ND
1,2-DCA ND ND ND

- ☐ Solid Waste
☐ Emergency Response
☐ Wastewater
☐ Hazard Waste
☒ Underground Tanks
☐ Water Resources
☐ Other

Project Name: Wienster Shell
 Drilled By (Firm name and name of crew chief): Green Bay
 License/Permit/Monitoring Number: _____ Boring Number: MW-1
 Date Drilling Started: 05/12/95 Date Drilling Completed: 05/12/95 Drilling Method: ASA
 M M D D Y Y M M D D Y Y
 DNR Facility Well No.: _____ Well Unique Well No.: _____ Common Well Name: _____
 Final Static Water Level: 96 Feet MSL Surface Elevation: 100 Feet MSL Borehole Diameter: 8.25 inches
 Boring Location: _____ N. _____ E S/C/N _____ Lat _____
 State Plane _____ 1/4 of GOU Lot #2, T23 N, R20 E Long _____ Feet _____ S _____ Feet _____ W
 County: Brown DNR County Code: _____ Civil Town/City/Village: Green Bay

Sample		Blow Counts	Depth in Feet	Soil/Rock Description And Geologic Origin For Each Major Unit	USCS	Graphic Log	Well Diagram	PID/FID	Soil Properties					P 200	RQD/ Comments
Number	Length Recovered (in)								Standard Penetration	Moisture Content	Liquid Limit	Plastic Limit			
1	14	27	2.5	asphalt				0							
3	22	35	5.0	Red Clay	cl			0							
5	15	15	7.5					0							
7	22	32	10					0							
9	42	31	12.5					0							
11	24	32	15	End of Boring - 14.5'				0							
			17.5												
			20												

I hereby certify that the information on this form is true and correct to the best of my knowledge.

Signature: Robert C. Smith

Firm: NRP ENV. Consultants

This form is authorized by Chapters 144.147 and 162, Wis. Stats. Completion of this report is mandatory. Penalties: Forfeit not less than \$10 nor more than \$5,000 for each violation. Fined not less than \$10 or more than \$100 or imprisoned not less than 30 days, or both for each violation. Each day of continued violation is a separate offense, pursuant to ss 144.99 and 162.06, Wis. Stats.